

Re: **Application of Bandwidth.com CLEC, LLC**

STATE OF SOUTH CAROLINA

)

) **BEFORE THE**

(Caption of Case)

) **PUBLIC SERVICE COMMISSION**

) **OF SOUTH CAROLINA**

)

) **COVER SHEET**

)

)

) **DOCKET**

) **NUMBER: 2007 - 385 - C**

)

)

)

(Please type or print)

Submitted by:	Margaret M. Fox, Esquire	SC Bar Number:	65418
Address:	McNair Law Firm, P.A.	Telephone:	803-799-9800
	Post Office Box 11390	Fax:	803-753-3219
	Columbia, SC 29211	Other:	
		Email:	pfox@mcnair.net

NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ **Emergency Relief demanded in petition** ☐ **Request for item to be placed on Commission's Agenda expeditiously**

☐ **Other:**

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition

- | | | | |
|--|--|--|---|
| <input checked="" type="checkbox"/> Telecommunications | <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input checked="" type="checkbox"/> Stipulation |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Water | <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Water/Sewer | <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: |
| <input type="checkbox"/> Administrative Matter | <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| | <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |

MCNAIR LAW FIRM, P.A.

ATTORNEYS AND COUNSELORS AT LAW

11th Floor, Bank of America Tower
Post Office Box 11390
1301 Gervais Street (29201)
COLUMBIA, SOUTH CAROLINA 29211

TELEPHONE (803) 799-9800
FACSIMILE (803) 376-2219

January 9, 2007

The Honorable Charles Terreni
Chief Clerk and Administrator
South Carolina Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211

RECEIVED
2007 JAN -9 PM 3:47
SC PUBLIC SERVICE
COMMISSION

Re: Application of Bandwidth.com CLEC, LLC, for a Certificate of Public Convenience and Necessity to Provide Resold and Facilities-based Local Exchange and Interexchange Telecommunications Services in the State of South Carolina (SCPSC Docket No. 2007-385-C)

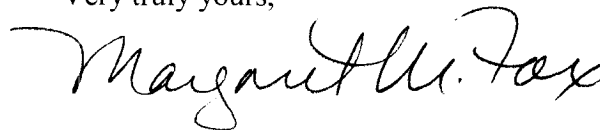
Dear Mr. Terreni:

Please find enclosed for filing on behalf of the South Carolina Telephone Coalition (the "Coalition") an original and ten (10) copies of an executed Stipulation between the Coalition and the Applicant, in the above-referenced docket. By copy of this letter and Certificate of Service appended to the Stipulation, I am serving all parties of record.

Please clock in a copy of the Stipulation and return it by our courier.

Should you have any questions with respect to this matter, please do not hesitate to contact me.

Very truly yours,


Margaret M. Fox

Enclosures

cc: John J. Pringle, Jr., Esquire
Florence P. Belser, Esquire

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

Docket No. 2007-385-C

Re: Application of Bandwidth.com CLEC, LLC,)
for a Certificate of Public Convenience and)
Necessity to Provide Resold and Facilities-)
based Local Exchange and Interexchange)
Telecommunications Services in the State)
of South Carolina)
_____)

STIPULATION

SC PUBLIC SERVICE
COMMISSION

2008 JAN -9 PM 3:47

RECEIVED

The South Carolina Telephone Coalition ("SCTC") (see attachment "A" for list of companies) and Bandwidth.com CLEC, LLC, ("Bandwidth.com") hereby enter into the following stipulations. As a consequence of these stipulations and conditions, SCTC does not oppose Bandwidth.com's Application. SCTC and Bandwidth.com stipulate and agree as follows:

1. SCTC does not oppose the granting of a statewide Certificate of Public Convenience and Necessity to Bandwidth.com, provided the South Carolina Public Service Commission ("Commission") makes the necessary findings to justify granting of such a certificate, and provided the conditions contained within this stipulation are met.
2. Bandwidth.com stipulates and agrees that any Certificate which may be granted will authorize Bandwidth.com to provide service only to customers located in non-rural local exchange company ("LEC") service areas of South Carolina, except as provided herein.
3. Bandwidth.com stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.
4. Bandwidth.com stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless

and until Bandwidth.com provides such rural incumbent LEC and the Commission with written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, Bandwidth.com acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.

5. Bandwidth.com stipulates and agrees that, if Bandwidth.com gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, and either (a) the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law within such 30-day period, or (b) the Commission institutes a proceeding of its own, then Bandwidth.com will not provide service to any customer located within the service area in question without prior and further Commission approval.

6. Bandwidth.com acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.

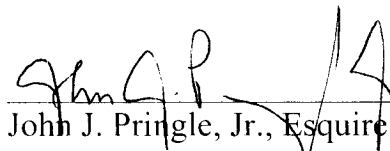
7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs and Bandwidth.com, and this Stipulation in no way suspends or adversely affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.

8. Bandwidth.com agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.

9. Bandwidth.com hereby amends its application and its prefiled testimony in this docket to the extent necessary to conform with this Stipulation.

AGREED AND STIPULATED to this 9th day of January,
2008 *LA*

Bandwidth.com CLEC, LLC

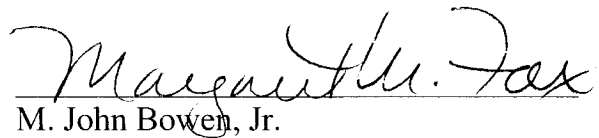


John J. Pringle, Jr., Esquire

Ellis, Lawhorne & Sims, P.A.
Post Office BOX 2285
Columbia, South Carolina 29202

Attorneys for Bandwidth.com CLEC, LLC

South Carolina Telephone Coalition:



M. John Bowen, Jr.

Margaret M. Fox
McNair Law Firm, P.A.
Post Office Box 11390
Columbia, South Carolina 29211
(803) 799-9800

Attorneys for the South Carolina Telephone
Coalition

ATTACHMENT A

South Carolina Telephone Coalition Member Companies for Purposes of Local Service Stipulation

ALLTEL South Carolina, Inc.
Chesnee Telephone Company
Chester Telephone Company
Farmers Telephone Cooperative, Inc.
Ft. Mill Telephone Company
Home Telephone Company, Inc.
Lancaster Telephone Company
Lockhart Telephone Company
McClellanville Telephone Company
Norway Telephone Company
Palmetto Rural Telephone Cooperative, Inc.
Piedmont Rural Telephone Cooperative, Inc.
Pond Branch Telephone Company
Ridgeway Telephone Company
Rock Hill Telephone Company
Sandhill Telephone Cooperative, Inc.
St. Stephen Telephone Company
West Carolina Rural Telephone Cooperative, Inc.
Williston Telephone Company

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

Docket No. 2007-385-C

Re: Application of Bandwidth.com CLEC, LLC,)
for a Certificate of Public Convenience and)
Necessity to Provide Resold and Facilities-)
based Local Exchange and Interexchange)
Telecommunications Services in the State)
of South Carolina)
_____)

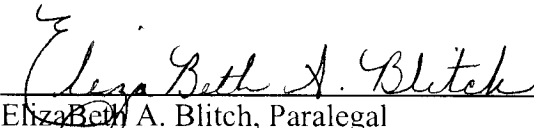
**CERTIFICATE OF
SERVICE**

I, ElizaBeth A. Blitch, do hereby certify that I have this date served one (1) copy of the foregoing Stipulation upon the following party of record by causing said copy to be deposited with the United States Postal Service, first class postage prepaid and affixed thereto, and addressed as follows:

John J. Pringle Jr., Esquire
Ellis, Lawhorne & Sims, P.A.
Post Office Box 2285
Columbia, South Carolina 29202

Florence P. Belser, Esquire
Office of Regulatory Staff
Post Office Box 11263
Columbia, South Carolina 29211.

RECEIVED
2008 JAN -9 PM 3:47
SC PUBLIC SERVICE
COMMISSION


ElizaBeth A. Blitch, Paralegal
McNAIR LAW FIRM, P.A.
Post Office Box 11390
Columbia, South Carolina 29211
(803) 799-9800

January 9, 2007
Columbia, South Carolina